IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5939 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

IQBAL HUSAIN RAHIMMIYA KAZI - Petitioner(s)
Versus
SECRETARY & 1 - Respondent(s)

==========

Appearance :
MR PN BAVISHI for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 08/03/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction and/or order directing the respondents to give promotion tot he petitioners to the

post of Class – I cadre.

It is the submission on behalf of the learned advocate appearing on behalf of the petitioner that subsequently, on the basis of non pending of departmental inquiry, the petitioner has already been granted promotion. However, the only question which is now required to be considered is to regularize the period of suspension from 16-11-1988 to 3-6-1994 as duty period, as no departmental inquiry was pending against the petitioner and therefore, the aforesaid period is required to be regularized.

Shri DA Desai, learned AGP relying upon the affidavit-in-reply has submitted that let the petitioner move an appropriate application for regularization of the period of suspension in light of what is stated in the affidavit-in-reply and the same shall be considered as early as possible.

Considering the above, let the petitioner submit an appropriate representation/application to the concerned authority within a period of four weeks from today to regularize the period of suspension from 16-11-1988 to 3-6-1994 as duty period. As and when such an application is received, the concerned authorities are directed to consider the same in accordance with law and on merits and considering the affidavit-in-reply filed in the present Special Civil Application within a period of eight weeks thereafter and if the period is regularized, the difference of pay shall be paid to the petitioner within a period of four weeks thereafter.

With this, the present Special Civil Application is disposed of. DS permitted.

(M.R. SHAH, J.)

shekhar